

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

November 20, 2000

At 9:27 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Raye, Acting Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar called.

C033743 FONG v. FONG

Cause called. Douglas A. Applegate argued for appellant. Brenton A. Bleier argued for respondents. Cause submitted.

At 10:01 a.m., court recessed. At 10:05 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Morrison.

C033307 In re CALVIN H.; THE PEOPLE v. CALVIN H.

Cause called. Kevin G. Little, court appointed counsel, argued for appellant. Rachelle Newcomb, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:18 a.m., court recessed. At 10:22 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Morrison.

C034554 CITY OF LODI v. RANDTRON

Cause called. Kimberly S. McGovern argued for appellant. Randall A. Hayes, City Attorney, argued for respondent. Cause submitted.

At 10:58 a.m., court recessed. At 11:00 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Raye.

C033837 CITY OF STOCKTON v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. George Hatfield argued for petitioner. Jane E. Naekel argued for respondent Morrell. Cause submitted.

At 11:38 a.m., court adjourned until 9:30 a.m., December 11, 2000.

C035133 THE PEOPLE v. DEWITT (Not for Publication)

The judgment (order) is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.

Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

November 20, 2000 continued

- C034329 In re the Marriage of CHRISTOPHER (Not for Publication)**
The September 22, 1999, order declaring appellant a vexatious litigant and prohibiting him from filing new litigation in propria persona without leave of court, is affirmed. Respondent Mitzi Harrison (Christopher) shall recover her costs on appeal.
SIMS, Acting P.J.
We concur: Davis, J.
 Kolkey, J.
- C033718 In re ZACHARY H.;
THE PEOPLE v. ZACHARY H. (Not for Publication)**
The matter is remanded to the juvenile court to determine whether, even at this late date, the minor has been assessed while at CYA as an individual with exceptional education needs and if so whether an individualized education plan has been developed for him. If this has occurred, nothing further need be done. If not, the court is directed to order such an assessment and if the minor is determined to be an individual with exceptional education needs, to order an individualized education program be furnished for him.
NICHOLSON, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C030552 In re the Marriage of GOMEZ (Not for Publication)**
The judgment is affirmed. The request for judicial notice. Filed March 17, 2000, is granted. The request for judicial notice, filed April 7, 2000, is denied.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C033402 THE PEOPLE v. BARKSDALE (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C034521 THE PEOPLE v. HOLLOWAY (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morrison, J.

3

November 20, 2000 continued

C033261	In re WILLIAM J.; THE PEOPLE v. WILLIAM J. The judgment (order) is affirmed. NICHOLSON, J. We concur: Blease, Acting P.J. Raye, J.	(Not for Publication)
C034479	THE PEOPLE v. LOURTH PAK The judgment is affirmed. NICHOLSON, J. We concur: Sims, Acting P.J. Morrison, J.	(Not for Publication)
C030923	THE PEOPLE v. REAY et al. The judgment of conviction as to defendant Nettie Reay is reversed. The judgment of conviction as to Travis Reay is modified to strike the restitution fine under section 1202.45 and to impose a restitution fund fine of \$6,505.23 and, as modified, the judgment is affirmed. BLEASE, Acting P.J. I concur: Sims, J. I concur: Hull, J. (See concurring opinion.)	(Not for Publication)

4

November 21, 2000

C032136	THE PEOPLE v. UNDERWOOD The judgment is affirmed. CALLAHAN, J. We concur: Raye, Acting P.J. Morrison, J.	(Not for Publication)
C034465	THE PEOPLE v. JACOBSON The judgment is affirmed. HULL, J. We concur: Davis, Acting P.J. Raye, J.	(Not for Publication)
C034594	In re JONATHAN L.; THE PEOPLE v. JONATHAN L. The judgment is affirmed. KOLKEY, J. We concur: Davis, Acting P.J. Nicholson, J.	(Not for Publication)
C035225	In re MICHAEL G.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. SHELLY G. The order of the juvenile court terminating appellant's parental rights is affirmed. MORRISON, J. We concur: Sims, Acting P.J. Nicholson, J.	(Not for Publication)
C034213	THE PEOPLE v. CARSON The judgment is affirmed. SCOTLAND, P.J. We concur: Raye, J. Kolkey, J.	(Not for Publication)
C035385	THE PEOPLE v. KIRKLAND JR. The judgment is affirmed. RAYE, J. We concur: Scotland, P.J. Sims, J.	(Not for Publication)

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

November 21, 2000 continued

- C032178 THE PEOPLE v. FRASHER (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.
- C032838 THE PEOPLE v. VINCENTE (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C034148 THE PEOPLE v. AVILA (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C035755 THE PEOPLE v. MARR (Not for Publication)**
The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment and a \$35 county penalty assessment. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
 RAYE, J.
We concur: Scotland, P.J.
 Sims, J.
- C035056 THE PEOPLE v. DAVIS (Not for Publication)**
The judgment is modified to reflect the imposition of a \$200 penalty assessment under Penal Code section 1464 and a \$140 penalty assessment under Government Code section 76000. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these assessments, and to forward a copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Sims, J.
 Kolkey, J.
- C032694 THE PEOPLE v. VERRETT (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Blease, Acting P.J.
 Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

November 21, 2000 continued

- C034415 NEVADA COUNTY CORRECTIONAL OFFICERS ASSOCIATION v. COUNTY OF NEVADA (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C032666 SINGLETON v. CALIFORNIA FEDERAL BANK et al. (Not for Publication)**
The judgment against plaintiff is affirmed. Defendants shall recover their costs on appeal. (Cal. Rules of Court, rule 26(a).)
NICHOLSON, J.
We concur: Scotland, P.J.
 Raye, J.
- C034800 THE PEOPLE v. SCOTT (Not for Publication)**
The order granting probation is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
 Raye, J.
- C033450 THE PEOPLE v. WOODS (Not for Publication)**
The findings and sentences on the enhancements are reversed and the matter is remanded for further proceedings and findings by the trial court on those allegations. The conviction for violating section 496(a) is reversed, and the trial court is directed to dismiss that charge. In all other respects, the judgment is affirmed. In preparing a new abstract of judgment upon the completion of further proceedings, the trial court is directed to correct the identified in part IV of this opinion.
SCOTLAND, P.J.
We concur: Raye, J.
 Callahan, J.
- C034319 In re J. M. C. K., a Minor; SUNNY K. v. MICHAEL C. (Not for Publication)**
The order denying the petition is reversed, and the matter is remanded with instructions to the trial court to enter a new order granting the petition.
HULL, J.
We concur: Blease, Acting P.J.
 Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

November 21, 2000 continued

- C035898 THE PEOPLE v. CATLIN (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Davis, Acting P.J.
 Morrison, J.
- C034434 In re RODNEY J.; THE PEOPLE v. RODNEY J. (Not for Publication)**
The matter is remanded to the juvenile court for compliance with Welfare and Institutions Code section 702. Otherwise, the order (commitment of the minor to the California Youth Authority) is affirmed.
 HULL, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C035648 THE PEOPLE v. TILLMAN (Not for Publication)**
The trial court is directed to prepare an amended abstract of judgment reflecting that defendant was sentenced as a two-strike offender and to forward a certified copy of the amended abstract to the Department of Corrections. The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Sims, J.
- C035759 THE PEOPLE v. EDWARDS (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.
 RAYE, J.
We concur: Scotland, P.J.
 Sims, J.
- C033290 THE PEOPLE v. HARO (Not for Publication)**
The judgment is modified to impose a \$200 restitution fine suspended pending successful completion of parole ...As so modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections.
 CALLAHAN, J.
We concur: Blease, Acting P.J.
 Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

November 22, 2000

- C033478 BAHRE et al. v. SICROFF**
Appellants' petition for rehearing is denied.
Respondent's request for sanctions is denied.
BLEASE, Acting P.J.
- C035024 THE PEOPLE v. JASPER (Not for Publication)**
The trial court is directed to amend the order of commitment to reflect a maximum period of confinement of 15 years. In all other respects the judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
Kolkey, J.
- C032679 THE PEOPLE v. WELCH et al. (Not for Publication)**
The judgment with respect to defendant Mabson is affirmed; however, the trial court is directed to correct the abstract of judgment to reflect...
The judgment with respect to defendant Welch is modified to reflect the imposition and suspension of a \$200 restitution fine...As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect this modification, and shall forward to the Department of Corrections a certified copy of Welch's amended abstract of judgment.
SCOTLAND, P.J.
We concur: Davis, J.
Nicholson, J.
- C033307 In re CALVIN H.; THE PEOPLE v. CALVIN H. (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
Raye, J.
- C035345 In re CHARLES T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ELIZABETH C. (Not for Publication)**
The order of the juvenile court is affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

The Minutes

November 22, 2000 continued

- C035627 In re CHARLES T.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. ELIZABETH C. (Not for Publication)**
The order of the juvenile court is affirmed.
 SCOTLAND, P.J.
We concur: Raye, J.
 Kolkey, J.
- C034853 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- C034601 THE PEOPLE v. DIXON (Not for Publication)**
The judgment is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Blease, J.
- C035220 THE PEOPLE v. GUTHRIE (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- C034766 HARTLEY v. PACIFIC GAS AND ELECTRIC COMPANY et al. (Not for Publication)**
The judgment is affirmed. PG&E and Utility shall recover costs on
appeal.
 RAYE, J.
We concur: Nicholson, Acting P.J.
 Hull, J.
- C036039 In re CHEYENNE F.; SUTTER COUNTY DEPARTMENT OF HUMAN
SERVICES v. CURTIS F. (Not for Publication)**
The order terminating appellant's parental rights as to Cheyenne is
affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

The Minutes

November 22, 2000 continued

C031950

CLOW v. CLOW

(Not for Publication)

The judgment is affirmed. Each party shall bear his own costs on appeal.

CALLAHAN, J.

We concur: Scotland, P.J.

Sims, J.